

had not the power to make the orders asked for: Fournier and King, J.J., were of the contrary opinion.

4. Manitoba joined the Union in 1870 upon the terms of the Manitoba Act, 33 Vic., chapter 3 (Dominion Statute), which Act was declared valid and effectual by the British North America Act 1871, 34 and 35 Vic., chapter 28, section 5. The questions submitted for the opinion of the Supreme Court turned upon the construction of sections 2 and 22 of the Manitoba Act and section 93 of the British North America Act 1867.

5. It is enacted by section 2 of the Manitoba Act as follows :—

“ 2. On and after the said day on which the order
 “ of the Queen in Council shall take effect as afore-
 “ said, the provisions of the British North America
 “ Act 1867 shall, except those parts which are in
 “ terms made or by reasonable intendment may be
 “ held to be specially applicable to or only to affect
 “ one or more but not the whole of the Provinces
 “ now composing the Dominion, and except so far as
 “ the same may be varied by this Act, be applicable
 “ to the Province of Manitoba in the same way and
 “ to the same extent as they apply to the several
 “ Provinces of Canada, and as if the Province of
 “ Manitoba had been one of the Provinces originally
 “ united by the said Act.”

And it is enacted by section 22 of the Manitoba Act and by section 93 of the British North America Act 1867 as follows :—

The Manitoba Act.

*The British North America
 Act 1867.*

“ 22. In and for the Pro-
 “ vince (*i.e.*, of Manitoba)
 “ the said Legislature (*i.e.*,
 “ the Provincial Legisla-
 “ ture) may exclusively
 “ make laws in relation to
 “ education, subject and ac-
 “ cording to the following
 “ provisions :

“ (1) Nothing in any such

“ 93. In and for each
 “ Province the Legislature
 “ (*i.e.*, the Provincial Legis-
 “ lature) may exclusively
 “ make laws in relation to
 “ education, subject and
 “ according to the following
 “ provisions :

“ (1) Nothing in any such
 “ law shall prejudicially